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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,411	12/16/2003	William Sobonya	MAEE 2 00036	6311
27885	7590	01/11/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114				BOYD, JENNIFER A
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/737,411	SOBONYA, WILLIAM	
	Examiner Jennifer A. Boyd	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 October 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-14 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 15-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The Applicant's Amendments and Accompanying Remarks, filed October 24, 2005, have been entered and have been carefully considered. Claim 1 is amended, claims 15 – 18 are added, claims 5 – 14 are withdrawn and claims 1 – 18 are pending. In view of Applicant's argument that the cited prior art does not teach creating a knot at the end of the binding strings, the Examiner withdraws all previously set forth rejections. After another search was conducted, additional prior art has been found which renders in the invention as currently claimed unpatentable for reasons herein below.
  
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Election/Restrictions***

3. Applicant's election with traverse of claims 1 - 4 in the reply filed on October 24, 2005 is acknowledged. The traversal is on the ground(s) that Groups I – III belong to the same classification therefore it would not require an extensive or burdensome search. This is not found persuasive. Even though the Groups could be classified together, each invention is submitted to have significantly different features (e.g., stick and slats and different linking mechanisms), which would cause a burdensome search for the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 102***

4. Claims 1 and 3 – 4 are rejected under 35 U.S.C. 102(b) as being anticipated by McLeod (US 5,282,692).

McLeod is directed to an assembling of articulated members for forming a surface (Title).

As to claim 1, McLeod teaches a plurality of rigid bars, made of wood, plastic or other material, joined together to form an articulated assembly. A rope is threaded through bores formed in the bars (Abstract). When the elements of the assembly are threaded together, the ropes are pulled taught and knotted at their ends to lightly hold the bars into abutting engagement with the spacers (column 3, lines 35 – 50). The Examiner equates the sticks to Applicant's "rigid bars", the ropes as shown in Figure 1 to Applicant's "binding strings" and the knot to Applicant's "knot" at the end of the ropes. As seen in Figure 2, it should be noted that there is an excess of rope or string beyond the knot that could provide Applicant's "means for forming a linking knot". It should be noted that claim 1 does not require that a linking knot is actually formed but that the rope or string has the capability of forming the linking knot. McLeod teaches that the assembly can be rolled up on itself as shown in Figure 9 (column 4, lines 15 – 25).

McLeod teaches that the assembly can be used to act as a semi-rigid walkway on surfaces; the Examiner submits that the assembly can be used as a "removable covering for a supporting surface" as required by Applicant.

As to claims 3 – 4, McLeod teaches that the bars or "sticks" can comprise wood or plastic (Abstract).

***Claim Rejections - 35 USC § 103***

5. Claims 2 and 15 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLeod (US 5,282,692) in view of Wu (US 5,823,374).

McLeod teaches a plurality of rigid bars, made of wood, plastic or other material, joined together to form an articulated assembly (Abstract). McLeod teaches joining multiple panels together (see columns 5 – 7) but fails to teach that the rods or “sticks” can comprise bamboo as required by claims 2 and 15 and that adjacent sheets may be connected by selectively tying the excess string to at least one stick of an adjacent sheet as required by claim 15.

Wu is directed to a collapsible box formed with bamboo strips. Wu teaches that the box is superior to conventional wooden boxes because bamboo has a better strength than typical wood and better resistance to environmental factors (e.g., moisture). Wu teaches that adjacent panels may be tied to one another for firmly assembling the box (column 3, lines 45 – 50). See Figures.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use bamboo as suggested by Wu rather than wood in the assembly of McLeod motivated by the desire to create an assembly with superior strength and resistance to environmental factors.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the excess string of McLeod to tie adjacent panels together as suggested by Wu motivated by the desire to easily and securely attach and unattach adjacent panels to create a longer panel if desired.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 4 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jennifer Boyd*  
Jennifer Boyd  
January 6, 2006

*Uta Ruddock*  
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